

undertake to develop the necessary evidence.

(c) Once the Office has accepted a claim and paid compensation, it has the burden, before terminating or reducing compensation, of establishing by the weight of the evidence that the disability for which compensation was paid has ceased, or that the disabling condition is no longer causally related to the employment, or that the claimant is only partially disabled, or that its initial decision was in error.

[52 FR 10508, Apr. 1, 1987]

§ 10.111 Submission of other evidence.

The responsibilities of the official superior and the claimant to submit evidence are specified elsewhere in this part. A claimant, a person acting on the claimant's behalf, or the employing agency may submit to the Office any other evidence which is deemed relevant and pertinent to the initial and ongoing determination of the claim.

[52 FR 10508, Apr. 1, 1987]

TERMINATION AND CONTINUATION OF
ELIGIBILITY

§ 10.120 Report of termination of disability or return to work.

In all cases reported to the Office the official superior shall notify the Office immediately upon the injured employee's return to work or termination of disability. Form CA-3 is provided for this purpose. It shall be used unless a report of termination of disability is made to the Office on Form CA-1 or CA-2, or CA-7 as appropriate, or in some other manner.

[52 FR 10508, Apr. 1, 1987]

§ 10.121 Recurrence of disability.

(a) The official superior shall notify the Office if, after the employee returns to work, the original injury causes the employee to stop work again. Form CA-2a is provided for this purpose. If the original injury was not previously reported to the Office, notice of the original injury shall be made on Form CA-1 or CA-2, as appropriate, and attached when Form CA-2a is submitted. Medical reports concerning the original injury should also be attached if not previously submitted.

The employee has the burden of establishing by the weight of reliable, probative and substantial evidence that the recurrence of disability is causally related to the original injury.

(b) When the employee has received medical care as a result of the recurrence, he or she should arrange for a detailed medical report to be submitted by the attending physician. The report should include: dates of examination and treatment; history given by the employee; findings; results of x-ray and laboratory tests; diagnosis; course of treatment; the physician's opinion, with medical reasons, regarding causal relationship between the employee's condition and the original injury; work limitations or restrictions, and prognosis. The employee should also submit, or arrange for the submission of, similar medical reports for any examination and/or treatment received subsequent to returning to work following the original injury.

(c) The employee must also give the reasons for believing the recurrence of disability is related to the original injury. A statement from the employee must accompany Form CA-2a describing the employee's duties upon return to work after the original injury, stating whether there were any other injuries or illness, and giving a general description of the employee's physical condition during the intervening period. The official superior may submit comments concerning the employee's statement.

(d) If the injured employee does not return to duty prior to the date Form CA-2a is submitted to the Office, the return to duty or termination of disability shall be reported to the Office on Form CA-3 unless otherwise reported on Form CA-7 or Form CA-8.

(e) Claim for compensation as a result of the recurrence of disability should be made using Form CA-7, unless such form was previously filed after the original injury. If Form CA-7 was previously filed, compensation must be claimed using Form CA-8. A completed claim form plus a medical report on Form CA-20 or CA-20a (or in narrative form) must be submitted before compensation may be paid.

[52 FR 10509, Apr. 1, 1987]

§ 10.122 Claim for continuing compensation for disability.

Form CA-8 is provided to claim compensation for additional periods of time after Form CA-7 is submitted to the Office. It is the responsibility of the employee to submit Form CA-8. Without receipt of such claim, the Office has no knowledge of continuing wage loss. Therefore, while disability continues, a claim on Form CA-8 should be submitted every 2 weeks until the employee is otherwise instructed by the Office. The employee shall complete and sign the face of the form, and the official superior shall complete the reverse side. The employee is responsible for submitting, or arranging for the submission of, medical evidence in support of the claim. Form CA-20a is attached to Form CA-8 for this purpose. The official superior shall forward the completed Form CA-8 and any accompanying medical report to the Office within 5 working days of receipt from the employee.

(Approved by the Office of Management and Budget under control number 1215-0103)

[52 FR 10509, Apr. 1, 1987, as amended at 54 FR 18834, May 2, 1989]

§ 10.123 Employing agency's responsibilities in returning the employee to work.

(a) Upon authorization of medical care, the official superior shall provide the employee with written notification of his or her obligation to return to work as soon as possible and, with respect to alternative work, shall

(1) Advise the employee in the same manner as provided by § 10.207(b); and

(2) Advise the employee of his or her responsibilities under § 10.124 of this subpart.

The term "return to work" as used in this section is not limited to return to work at the employee's normal work-site, but may include return to work at other alternate locations.

(b) The employing agency shall monitor the employee's medical progress and duty status by obtaining periodic medical reports. Form CA-17 is provided for this purpose. To facilitate an injured employee's return to suitable employment, the employing agency may correspond in writing with the

employee's physician concerning the work limitations and restrictions imposed by the effects of the injury and possible job assignments. The employing agency shall concurrently send a copy of any such correspondence to the Office and the claimant, as well as a copy of the physician's response when received.

(c) Where the employing agency is notified in writing that the attending physician has found the employee to be partially disabled, and the employee is able to:

(1) Perform in a specific alternative position which is available within the agency and for which the agency has furnished the employee with a written description of the specific duties and physical requirements, the agency shall notify the employee immediately of the date of availability. To facilitate early return to work, the agency may inform the employee of the offer and its availability by telephone, but must provide written confirmation of the offer as soon as possible thereafter.

(2) Perform restricted or limited duties, the agency shall determine whether necessary accommodation can be made, and if so, advise the employee in writing of the duties, their physical requirements and availability. To facilitate early return to work, the agency may inform the employee of the offer by telephone, but must provide written confirmation of the offer as soon as possible thereafter.

(d) Where the nature and extent of injury prohibit the employee from returning to the duties of the position held at the time of injury, and the agency is unable to accommodate the restrictions and limitations imposed on the employee by the injury, and employment is consequently terminated, the agency may, in cooperation and coordination with the Office, subsequently determine the former employee's current physical condition and offer reemployment in a position suitable to the former employee's capabilities. Such reemployment offer must be in writing and include a description of the duties of the position being offered, the physical requirements of those duties, and the date the former employee is to return to work or, in the alternative, the date by which the former